

# Military Retirement & Family Law Issues

Pikes Peak Paralegals  
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## I. JURISDICTION

### A. Subject Matter Jurisdiction to Grant Dissolution

1. C.R.S. 14-10-106(1)(a)(I) requires one party be resident 91 days prior to filing
2. Being stationed in CO pursuant to military orders, without more, insufficient for jurisdiction. *Viernes v. District Court*, 509 P.2d 306 (Colo. 1973)
3. “State Taxes” section of LES (**EXH I**) shows state of domicile as reported to military & IRS

5168.76				4132.00		
st	Lv Paid	Use/Lose	FED TAXES	Wage Period	Wage YTC	
.0	.0	18.0		126.19	113114.28	
Wage YTD	Med Tax YTD	STATE TAXES	St	Wage Period		
114256.80	1656.2	WA			.00	
Share	Stat	JFTR	Depns	20 JFTR	BA	
1	R					
Pay Rate	Spec Pay Current	Inc Pay Rate	Inc Pay Curre			

4. Civilian spouse living in CO usually means domicile unless no “footprint.” Per Military Spouses Residency Relief Act, for purposes of *taxes* (10 U.S.C. § 4001(a)(2)) and *voting* (10 U.S.C. § 4025(b)), if spouse and member have same state of residence, spouse residence does not change by virtue of accompanying the member for military duties

### B. Personal Jurisdiction Over Member. Same as civilian, except for retirement

### C. Jurisdiction to Divide Military Retirement

1. **Federal.** Uniformed Services Former Spouses Protection Act (USFSPA), 10 U.S.C. § 1408(c)(4), enacted in 1982, authorizes, but does not require, states to divide *disposable retired pay*
2. **Disposable Retired Pay** 10 U.S.C. § 1408(a)(4)(A) defines as gross retired pay minus amounts:
  - a) Owed to U.S. due to previous overpayments (*Rare*)
  - b) Deducted from retired pay as result of court-martial forfeiture (*Rare*)
  - c) Equivalent to the percentage of disability formula to a member eligible for a Chapter 61 disability retirement
  - d) Survivor Benefit Plan (SBP) premiums for benefit of former spouse
  - e) *Waived to receive VA disability. 38 U.S.C. §§ 5304 & 5305*

PAY ITEM DESCRIPTION		
ITEM	OLD	NEW
GROSS PAY	.00	11,527.00
SBP COSTS	.00	455.00
TAXABLE INCOME	.00	11,072.00

  

PAYMENT ADDRESS	YEAR TO I
DIRECT DEPOSIT	TAXABLE IN FEDERAL IN STATE TAX V

3. **Colorado.** *In re: Marriage of Gallo*, 752 P.2d 47 (Colo. 1988). Military retirement is divisible property interest. *Gallo* is not retroactive, and only applies to decrees entered after case decided. *In re: Marriage of Booker*, 833 P.2d 734 (Colo. 1992)
  4. **Personal Jurisdiction Insufficient.** USFSPA requires
    - a) Residence not due to military orders
    - b) Domicile, or
    - c) Consent
  5. **USFSPA is Subject Matter** & preempts state law. *In re: Marriage of Booker*, 833 P.2d 734 (Colo. 1992), *In re: Marriage of Akins*, 932 P.2d 863 (Colo.App. 1997)
  6. **Implied Consent?** Affirmative conduct demonstrating express or implied consent may be sufficient? As Frozen Benefit Rule has now “federalized” the retirement formula (see section below), probably little reason to withhold consent
- D. UCCJEA Jurisdiction over Military Child.** UCCJEA jurisdiction required before any parenting proceeding, including dissolution, legal separation,

grandparent visitation, guardianship, dependency & neglect, paternity, etc. C.R.S. 14-13-102(4)

1. Home state of child (182 days residence) at commencement, or within 182 days of commencement if one parent remains in CO. C.R.S. 14-13-201(1)(a)
2. No other state has jurisdiction, or other state with jurisdiction declined to exercise on grounds that CO is more appropriate, AND child and at least one parent has significant connection with CO other than presence. C.R.S. 14-13-201(1)(b)
3. All other courts with jurisdiction have declined to exercise it. C.R.S. 14-13-201(1)(c)
4. No other state has jurisdiction. C.R.S. 14-13-201(d)
5. Temporary emergency jurisdiction. Child present in CO, and was abandoned, or necessary to protect child from abuse. C.R.S. 14-13-204(1). Duration - only until state with jurisdiction has opportunity to issue order
6. Personal Jurisdiction Over Respondent. Unnecessary. Need service, but as long as UCCJEA jurisdiction, can serve anywhere, or by publication. C.R.S. 14-13-201(3)
7. *In re: Marriage of Brandt*, 2012 CO 3.
  - a) 2006 MD divorce, H & W lived in MD with child until H moved to CO in 2008. W commissioned in Army 2009, stationed in TX with child. W deployed 2010, parties agreed child spend 2010-11 school year in CO, then return to W. H registered action in CO
  - b) In 2011, CO court assumed jurisdiction after finding no parent/child currently resided in MD. H got writ to pick up child from W's parents in another state, brought back to CO. Both CO and MD asserted UCCJEA jurisdiction, scheduled hearings, etc
  - c) Supreme Ct - Being absent from state in itself not deprive state of UCCJEA jurisdiction. "Presently reside" \= "currently reside" or "physical presence", but "necessitates an inquiry broader than 'technical domicile' into the totality of the circumstances that make up domicile." ¶ 16.
  - d) Factors include: parent's permanent home where intends to return, length & reasons for absence, intent in departing state and

returning to it, military assignments, where maintain home, car driver's license, voter registration, pay state taxes, etc

## II. SERVICE OF PROCESS ON MILITARY PERSONNEL

- A. **Servicemembers Civil Relief Act** - no special requirements to serve process on military members. Issue is logistics, not legal
- B. **Absent Respondent.** <https://www.usa.gov/military-personnel-and-installations> has information on locating military
- C. **Service on Military Installation.** Contact Provost Marshal (Fort Carson) or Security Forces (Air Force Academy/Peterson/Schriever)
- D. **Service Abroad (Korea/Germany, etc).** Major ordeal, as must comply with *Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters*. Military will assist only to see if member willing to accept service
- E. **Service While Deployed.** Absent waiver of service, no practical way to serve, and even if service effected, Servicemembers Civil Relief Act protections would stay proceeding

## III. SERVICEMEMBERS CIVIL RELIEF ACT

### A. **Stay of Proceedings When Notice. 50 U.S.C. § 3932**

- 1. Applies to Petitioner or Respondent
- 2. Court **may**, on own motion, and **shall**, upon application by a servicemember which meets these criteria, stay the proceedings for at least 90 days:
  - a) Applicant in military service, or within 90 days after service ends,
  - b) Applicant has actual notice of the proceeding,
  - c) Application is written, and includes facts stating (i) how service materially affects ability to appear, and (ii) date when servicemember may appear, and
  - d) Application includes communication from commander that military duty prevents appearance, and military leave not authorized.
- 3. Initial 90-day stay is mandatory. Thereafter, servicemember may apply for additional stay, using same criteria. Court must grant application unless appoints attorney to represent servicemember

4. Simply being stationed overseas, thereby making it harder to appear, does not materially affect ability to appear. Telephonic testimony, 30 days annual leave, cooperative military
5. DOD Instruction 1327.06, Leave and Liberty Policy and Procedures, para. (1)(j)(11): “Court Determination and/or Child Support Leave. When a Service member requests leave on the basis of need to attend hearings to determine paternity or to determine an obligation to provide child support, ordinary leave shall be granted unless: (a) The member is serving in or with a unit deployed in a contingency operation; or (b) Exigencies of military service require a denial of such request.”
6. If request for stay denied, member cannot then seek to set aside default judgment

**B. Protection Against Default Judgment. 50 U.S.C. § 3931**

1. Applies only to Respondent military member
2. Provides respondent member in civil action with relief against default judgment *if member has never appeared*. In theory, that means post-decree default against deployed member who never received motion is okay!
3. Petitioner seeking default judgment must first submit affidavit stating whether respondent is military, or whether petitioner does not know.
4. If cannot determine status of military service from affidavit, Court may require bond to indemnify Respondent against any loss
5. If respondent in military, Court may appoint attorney
6. Court shall reopen default judgment and allow servicemember to defend when:
  - a) Judgment entered during military service or within 60 days
  - b) Member's ability to defend materially affected by service
  - c) Member has meritorious or legal defense, and
  - d) Application to reopen is made during the military service, or within 90 days after it ended. Technically, this means total military service, not just the specific contingency which prevented servicemember from appearing

**C. 4th Judicial District** has forms & process to implement the SCRA protections for military members

**IV. MILITARY INCOME & CRCP 16.2 DISCLOSURES**

ENTITLEMENTS		DEDUCTIONS	
Type	Amount	Type	Amount
BASE PAY	9521.40	FEDERAL TAXES	1700.83
BAS	254.39	FICA-SOC SECURITY	590.33
BAH	2049.00	FICA-MEDICARE	138.06
REF SOC SECURITY	.04	SGLI	25.00
		TRADITIONAL TSP	95.21
		ROTH TSP	95.21
		MID-MONTH-PAY	2524.12
<b>TOTAL</b>	<b>11824.83</b>		<b>5168.76</b>

**A. Leave & Earnings Statement at *EXH 1*.** All military have at least:

**1. Base Pay**

- a) Based upon rank & years of service
- b) Military ranks in “Grade” box - enlisted are E1-E9, Officers are O1-O10, Warrant officers are WO1-WO5.
- c) Annual cost of living adjustment (COLA) in January, longevity increases every two years from Pay Date
- d) Military Pay Chart at *EXH 2*.

**2. Basic Allowance for Housing (BAH)**

- a) Based upon rank, zip code, and whether has dependents (BAH-With) or no dependents (BAH-Without)
- b) Calculator <https://www.defensetravel.dod.mil/site/bahCalc.cfm>, or search “BAH Calculator”
- c) Though rare with privatized housing, in-kind housing in lieu of BAH is income. *In re: Marriage of Long*, 921 P.2d 67 (Colo.App. 1996). Should barracks room count?
- d) Sample BAH for MAJ in Colorado Springs at *EXH 3*

**3. Basic Allowance for Subsistence (BAS).** Officers \$280.29, Enlisted \$406.98. See rates at:

<https://www.dfas.mil/militarymembers/payentitlements/Pay-Tables/bas/>

**B. Additional Pay & Allowances.** Some members may have other pay, based upon job location. May be long-term or temporary, and include:

1. **Professional Pay** for doctors (not lawyers), includes additional monthly and annual pay
2. **Misc Pay** - jump pay, flight pay, foreign language proficiency pay, reenlistment bonuses, etc. Most will appear on LES
3. **Overseas COLAs** count as income. *In re: Marriage of Stress*, 939 P.2d 500 (Colo.App. 1997)
4. **Deployed Pay** - \$225 Hostile Fire Pay, \$250 Family Separation Allowance, \$100 HDP, Per diem. Short term only

**C. W2 Not Reflect Gross Income.** BAH & BAS are not taxable, and while deployed, all pay is tax-free

**D. Retiree Account Statement** if already retired. See Gross Pay at **EXH 4**. Need to declare defined benefit plan as asset on SFS

PAY ITEM DESCRIPTION			
ITEM	OLD	NEW	ITEM
GROSS PAY	.00	11,527.00	FITW
SBP COSTS	.00	155.00	SITV
TAXABLE INCOME	.00	11,072.00	
			NET
PAYMENT ADDRESS		YEAR TO DATE S	
DIRECT DEPOSIT		TAXABLE INCOME: FEDERAL INCOME TA STATE TAX WITHHEL	

**E. Reserves.** Unless intertwined with primary employment, will not count as income for formula purposes. *In re: Marriage of Salby*, 126 P.3d 291 (Colo.App. 2005). However, is financial resource to determine maintenance. *In re: Marriage of Nelson*, 2012 COA 205

**F. VA Disability.** Not receive monthly pay stub, but review bank statement since not taxable, so gross should be same as net. Counts as income. *In re: Marriage of Nevil*, 809 P.2d 1122 (Colo.App. 1991), *Rose v. Rose*, 481 U.S. 619 (1987)

**G. Military Assets**

1. **Military Retirement.** Members often omit military retirement from LES, particularly if under 20 yrs service
2. **Accumulated Leave**
  - a) Accumulate 2.5 days/mo. 10 U.S.C. § 701(a)

- b) Lose excess over 60 days each Sep 30. 10 U.S.C. § 701(b)
- c) Can sell up to 60 days lifetime limit at discharge. Each day worth 1/30 monthly basic pay. 10 U.S. C. § 501
- d) For enlisted, discharge includes reenlistment. 10 U.S.C. § 501(f)
- e) Potential asset. *In re: Marriage of Cardona & Castro*, 2014 CO 3

N O					11824.83
TOTAL					
<b>LEAVE</b>	<b>BF Bal</b>	<b>Ermd</b>	<b>Used</b>	<b>Cr Bal</b>	<b>ET</b>
	48.0	7.5	0	55.5	
<b>FICA TAXES</b>	<b>Wage Period</b>	<b>Soc Wage YTD</b>		<b>Soc</b>	
	9521.40	114256.80			

**3. Thrift Savings Plan (TSP). YTD contributions near bottom of LES (EXH 1)**

DATA	W/DEP	CHILD	32542	.00	1	R	0
<b>TRADITIONAL PLAN (TSP)</b>	Base Pay Rate	Base Pay Current	Spec Pay Rate	Spec Pay Current	Inc Pay Rate	Ir	
	1	.00	0	.00	0		
<b>ROTH PLAN</b>	Base Pay Rate	Base Pay Current	Spec Pay Rate	Spec Pay Current	Inc Pay Rate	Ir	
	1	.00	0	.00	0		
<b>CM AGCY CONTR</b>	AGCY-AUTO	AGC-MATCH					
	.00	.00					
<b>CONTRIBUTIONS TOTALS</b>	<b>YTD Deductions</b>	<b>YTD TSP Deferred</b>	<b>YTD TSP Exempt</b>	<b>YTD ROTH</b>	<b>YTD</b>		
	1713.78	1142.52	.00	571.26			
<b>REMARKS:</b>		<b>YTD ENTITLE</b> 136276.39	<b>YTD DEDUCT</b> 31188.42				
		IF TSP ELECTION AMT EXCEEDS NET AMT	EQUIFAX/TRANSUNION/EX				
		DUE. TSP WILL NOT BE DEDUCTED.	SIGNUP. CREATE ACCOUNT				
		-GET READY FOR TAX SEASON NOW. GET YOUR 1095	ACTIVE-DUTY STATUS.				

**V. MILITARY RETIREMENT PLANS**

**A. Thrift Savings Plan (TSP)**

- 1. Same TSP as civilian federal employees
- 2. No special jurisdictional requirements beyond personal jurisdiction over member
- 3. Government match if under “Blended” plan

**B. “Legacy” High Three Retirement**

- 1. Defined Benefit Plan, 1 yr of service worth 2.5% of average of highest 36 months of base pay. 10 U.S.C. § 1409(b)(1)
- 2. Vests at 20 yrs, limited early retirement (drawdown or medical)



- Mandatory for service commencing before 1/1/2006, optional thereafter through 12/31/2017 (made election during 2018)

-CR FWR					.00
=EOM PAY					1593.80
DIEMS		RET PLAN			
3305.00	010810	HIGH 3			
Wage YTD	M/S	Ex	Ad'l Tax	Tax YTD	
47545.72	S	01	.00	5542.09	
Period	Wage YTD	M/S	Ex	Tax YTD	
00	00	00	00	00	

-CR FWR					.00
=EOM PAY					2524.07
DIEMS		RET PLAN			
4132.00	950625	CHOICE			
Wage YTD	M/S	Ex	Ad'l Tax	Tax YTD	
113114.28	S	00	.00	20409.96	
Period	Wage YTD	M/S	Ex	Tax YTD	
00	00	00	00	00	

**C. Blended “Modernized” Retirement (NEW in 2018).** Combines defined benefit plan with enhanced TSP

- Applicability.** Joined 1/1/2018 or later, or within 12 yrs and made election to switch during 2018
- TSP Member contribution,** with 1% - 5% government match that vests at 2 yrs
- Defined benefit plan reduced,** receive multiplier of 2% x yrs service x High 3, instead of 2.5%. 10 U.S.C. § 1409(b)(4)
- Continuation Pay** at 12 yrs service, 2.5 - 13x monthly base pay (0.5-6.5x for reserves), depending upon duty position
- Lump Sum Election.** At retirement, can elect 25% or 50% of present value of retirement at 20 yrs, in return for reduced monthly payments. Probably divisible. *In re: Marriage of Heupel*, 936 P.2d 561 (Colo. 1997)
- See “Ret Plan” box on LES at **EXH 1**

-CR FWR					.00
=EOM PAY					169.39
DIEMS		RET PLAN			
30.00	120515	BLENDE			
Wage YTD	M/S	Ex	Ad'l Tax	Tax YTD	
20890.29	S	00	.00	2157.36	
Period	Wage YTD	M/S	Ex	Tax YTD	
00	00	00	00	00	

**D. “Chapter 61” Disability Retirement.**

- Involuntary retirement for disability under 10 U.S.C. § 1201(a) *et seq*

2. Member selects between formula for the longevity retirement (2 or 2.5% multiplier), or the percentage of disability x base pay, up to maximum of 75%. 10 U.S.C. § 1401(a)
3. Chapter 61 retirement not divisible, except to extent (1) over 20 yrs and (2) exceeds percentage of disability formula. 10 U.S.C. § 1408(d)(4)(A)(3). *In re: Marriage of Tozer*, 2017 COA 151
4. No VA waiver if 20+ years of service, eligible for disability retirement plus full VA disability. 10 U.S.C. § 1414(b)(1)
5. Caution - Retiree Account Statement identical for “normal” vs medical retirement. Must look at DD214 (Certificate of Discharge from Active Duty) Block 28 to see if separation for disability. **EXH 5**

SPECIAL
23. TYPE OF SEPARATION RETIREMENT
25. SEPARATION AUTHORITY AFI 36-3212
28. NARRATIVE REASON FOR SEPARATION DISABILITY, PERMANENT (ENHANCED)
29. DATES OF TIME LOST DURING THIS PERIOD (YYYYMMDD) NONE

DD FORM 214, AUG 2009

SPECIAL ADDITIONAL II
23. TYPE OF SEPARATION RETIREMENT
25. SEPARATION AUTHORITY AFI 36-3203
28. NARRATIVE REASON FOR SEPARATION VOL. RETIREMENT: SUFFICIENT SERVICE FOR RETIREMENT
29. DATES OF TIME LOST DURING THIS PERIOD (YYYYMMDD) NONE

DD FORM 214, AUG 2009 PREV

#### E. Determine Military Retirement Plan from LES

1. **Final Pay.** Rare, entered prior to 9/8/1980
2. **High 3.** Entered 9/8/1980 thru 7/31/1986
3. **Redux.** Entered 7/31/1986 thru 12/31/2017 & Career Status Bonus
4. **Choice.** Not select Career Status Bonus (realistically, High 3)
5. **Blended**

#### VI. MILITARY RETIREMENT CALCULATION

**A. Dollar Amount vs Percentage.** Court can award either specific dollar amount, or percentage of retired pay. 10 U.S.C. § 1408(a)(2)(C). Percentage award includes COLAs, but dollar amount does not. DOD FMR, Vol. 7B, section 290601(C). \$ amount protect against VA waiver?

#### **B. Traditional Coverture Formula**

1. *In re: Marriage of Hunt*, 909 P.2d 525 (Colo. 1995). "Time Rule". Marital share:

$$\frac{\text{Months of marriage overlapping service}}{\text{Months of creditable service at retirement}}$$

2. Applicability:
  - a) Decree before 12/23/2016
  - b) Already retired at time of decree (as no post-divorce enhancements possible), or
  - c) Civilian defined benefit plans

### C. "Frozen Benefit Rule"

1. **2017 National Defense Authorization Act**, enacted on 12/23/2016, applied to *decree* issued after this date when member still in military
2. **Freezes Former Spouse Share of Retirement at Decree.** Act modifies & restructures definition of "disposable retired pay" in 10 U.S.C. §1408(a)(4) to add a new (a)(4)(B) which reads: "For purposes of subparagraph (A), the total monthly retired pay to which a member is entitled shall be— the *amount of basic pay payable to the member for the member's pay grade and years of service at the time of the court order*, as increased by each cost-of-living adjustment that occurs under section 1401a(b) of this title between the time of the court order and the time of the member's retirement using the adjustment provisions under that section applicable to the member upon retirement." (Emphasis added)
3. **New Formula.** Calculate hypothetical share member would receive at time of dissolution given rank & time of service
  - a) **Calculate hypothetical retirement at decree**, ignoring inability to retire with < 20 years. Service. Member with 12 years receives 24% or 30% of the high-three of his base pay at the time of dissolution. 12 years x 2% (*Blended*) or 2.5% (*Legacy*)
  - b) **Modified Coverture Formula** to calculate spousal share based upon service through *decree* (i.e. not through retirement as traditional coverture). Marital share, to be applied against the hypothetical retirement is therefore:
$$\frac{\text{Time in marriage overlapping service}}{\text{Time in service at date of decree}}$$

- 4. **Effect.** Reduces spouse's share of retirement when servicemember in military at dissolution, increasing disparity the longer the time between decree & retirement. See examples below to show disparity
- D. Net Present Value.** Authorized by *Hunt*. Court may use NPV even when pension is not yet vested (i.e. before 20 yrs). *In re: Marriage of Riley-Cunningham*, 7 P.3d 992 (Colo.App. 1999)
- E. Deferred Distribution.** Calculate marital share, defer distribution until retirement
- F. Reserve Jurisdiction.** Wait until actual retirement
- G. Reserves/National Guard.** Similar formula - substitute reserve points for months/years. DOD FMR sections 290205, 290211. Unvested reserve points are divisible. *In re Marriage of Beckman*, 800 P.2d 1376 (Colo.App. 1990)

**VII. DIRECT RETIREMENT PAYMENT FROM DFAS**

- A. 10/10 rule.** Requires at least 10 years of marriage overlapping military service (active or "good" reserve year). 10 U.S.C. § 1408(d)(2)
- B. Order Needs All of the Following:**
  - 1. **SCRA.** Indication that rights under Servicemembers Civil Relief Act were respected or waived. DOD FMR, Vol. 7B, section 290602
  - 2. **Jurisdiction.** Indication of basis of jurisdiction over servicemember (residence, domicile, or consent). DOD FMR, Vol. 7B, section 290604(A)
  - 3. **Marriage date** and indication that 10/10 rule met. DOD FMR, Vol. 7B, section 290604(B)
  - 4. **Either (a) percentage, (b) formula, or (c) dollar amount.** DOD FMR, Vol. 7B, section 290803(B). If formula, must include underlying data, such as numerator, and define denominator. DOD FMR, Vol. 7B, section 290615
  - 5. **"Frozen Benefit" Data:** Current rank, years of service, and High-3 pay. DOD FMR, Vol. 7B, section 290803(B)
  - 6. **Send to DFAS** with DD Form 2293 & certified copies of decree & order dividing retirement
- C. No Deadline,** but DFAS only pays prospectively after processed (takes about 90 days after application), so need mechanism for payment in interim
- D. Maximum amount** DFAS pays is 50% of disposable retired pay, or 65% if also paying support/maintenance. DOD FMR, Vol. 7B, section 291001(a)

## VIII. SURVIVOR BENEFIT PLAN (SBP)

A. **“Insurance policy”** on retirement. Without SBP, retirement ends when retiree dies. However, if former spouse dies, share reverts to retiree. 10 U.S.C. § 1408(c)(2)

### B. Premiums

1. 6.5% x “designated base amount”. Pays 55% of base amount, so effectively 11.8% per month. 10 U.S.C. § 1451(a),. DOD FMR Vol. 7B, section 420401
2. Court has discretion to order SBP or allocate premium. *In re: Marriage of Payne*, 897 P.2d 888 (Colo.App. 1995)
3. DFAS only deducts premium pre-division, when SBP for benefit of former spouse, so effectively pay proportional to shares of retirement. DFAS will not honor different allocation, DOD FMR, Vol. 7B, section 290610, so deviation needs separate reimbursement mechanism
4. Commonly, costs shared between parties, with reimbursement if retirement shares not close to 50/50

### C. Former Spouse Entitlement

1. Not remarried while under age of 55, and
2. At least one year of marriage, or a child. 10 U.S.C. § 1447.
3. Can only have one primary beneficiary, cannot allocate payments between multiple beneficiaries

D. **Spouse vs Former Spouse coverage.** Beneficiary is “office” of spouse, not the person, so if not change coverage from spouse to former spouse, and retiree remarries, new spouse becomes beneficiary

E. **No SBP Elected.** If member retired before dissolution without electing SBP (would require spousal waiver), cannot later add SBP. Need life insurance

F. **Deemed Election.** Rather than relying upon member to opt for SBP coverage, or to convert spouse to former spouse coverage, former spouse can request election directly from DFAS. Use DD Form 2656-10. *Must use to protect former spouse*

G. **Deadline.** *Deemed election request, or conversion of spouse to former spouse coverage, must be within 12 mos of order requiring SBP!*

IX. VA DISABILITY. Member with service-connected disability entitled to receive disability payments after leaving service

**A. No Relationship to Ability to Work.** VA disability primarily compensates for condition, not lost wages

**B. Disability Ratings**

1. Rating 10-40%, waive military retirement dollar for dollar. 38 U.S.C. §§ 5304, 5305
2. Rating 50% or higher, no waiver, 10 U.S.C. § 1414, unless under 20 years of service, in which case VA waiver still in effect
3. VA payment based solely upon disability rating and dependents, not rank. Disabled sergeant receives same as 2-star general. Rate Tables at [https://www.benefits.va.gov/COMPENSATION/resources\\_comp01.asp](https://www.benefits.va.gov/COMPENSATION/resources_comp01.asp)

**C. Sample 2022 Monthly Amounts**

1. 30%, no dependents = \$467 (waiver)
2. 40%, spouse & child = \$801 (waiver)
3. 100%, spouse & child = \$3654 (no waiver)

**D. No Indemnity for VA Waiver.** *Mansell v. Mansell*, 490 U.S. 581 (1989). CO previously applied this to pre-judgment waiver, *In re: Marriage of Franz*, 831 P.2d 917 (Colo.App. 1992), but required indemnity for post-decree conversion of retirement to disability. *In re: Marriage of Warkocz*, 141 P.3d 926 (Colo.App. 2006)

**E. No Indemnity for Post-Judgment VA Waiver.** *Howell v. Howell*, 137 S.Ct 1400 (2017). Court applied *Mansell* to all VA waivers, termed “semantic” distinction between pre-decree and post-decree waiver. Recognized potential for hardship: “a family court, when it first determines the value of a family's assets, remains free to take account of the contingency that some military retirement pay might be waived, or, as the petitioner himself recognizes, take account of reductions in value when it calculates or recalculates the need for spousal support.”

**F. *In re: Marriage of Tozer*, 2017 COA 151**

1. At dissolution, H on active duty, trial court ordered retirement divided, reserved jurisdiction over maintenance in case of VA waiver. H ultimately received chapter 61 disability retirement & VA disability
2. W argued H defeated her share by electing disability, first sought legal relief to enforce division by dividing disability - denied. W then sought equitable relief of indemnity - denied. W had remarried, so court denied req for maintenance in lieu of retirement
3. Holding: no relief, *Howell* overrules *Warkocz*. “The *Howell* takeaway is clear. Military retirement disability benefits may not be divided as marital

property, and orders crafted under a state court's equitable authority to account for the portion of retirement pay lost due to a veteran's post-decree election of disability benefits are preempted." (§ 21)

**G. Other States.** Every cited case since *Howell* has held no indemnity, with or without separation agreement

**H. Temporary Disability Retired List (TDRL).** 10 U.S.C. § 1202 & § 1205

1. Servicemember with condition which may be temporary. At 3 yrs, member must be either (1) returned to duty, (2) PDRL if under 20 yrs, or (3) retired if eligible
2. As with Chapter 61 retirement, payment is greater of (1) 2.5% x base pay x years of service, or (2) base pay x % disability. 10 U.S.C. § 1401
3. Under 20 years, not divisible, since would receive no payments but-for disability. *In re: Marriage of Williamson*, 205 P.2d 538 (Colo.App. 2009)
4. Over 20 years, divisible to extent payment based on longevity and exceeds percentage of disability formula. *In re: Marriage of Poland*, 264 P.3d 647 (Colo.App. 2011). Analogous to division of Chapter 61 medical retirement

**I. Permanent Disability Retired List (PDRL).** 10 U.S.C. §§ 1201 & 1204

1. Member not returned to duty due to permanent medical condition, but no retirement as under 20 years service
2. Must waive disability dollar-for-dollar to receive VA disability, even for ratings of 50% or higher. 10 U.S.C. § 1414(b)(2)
3. As with Chapter 61 retirement, payment is greater of (1) 2.5% x base pay x years of service, or (2) base pay x disability %. 10 U.S.C. § 1401
4. PDRL not divisible, since paid only when not qualify for longevity retirement. *In re: Marriage of Williamson*, 205 P.2d 538 (Colo.App. 2009)

**X. OTHER RECEIPTS IN LIEU OF RETIREMENT**

**A. Career Status Bonus** at 16 yrs service - phased out with Blended Retirement

**B. Lump-Sum Payment at Retirement** if elect in Blended Retirement

**C. VSI/SSB.** Divisible asset. *In re: Marriage of Heupel*, 936 P.2d 561 (Colo. 1997). Must repay if reenter military & ultimately retire

**D. Disability Severance Pay.** Years of active service (max 12) x 2 x highest base pay. Available if not returned to service after TDRL, and disability rating 30% or lower. 10 U.S.C. § 1212

**E. Administrative Separation.** Full or partial separation pay may be available

## **XI. FAMILY SUPPORT**

### **A. Temporary Family Support**

**1. Applicability.** Physical separation, including deployment, in absence of court order or agreement. Important if member deploys before hearing

#### **2. Army**

**a)** Army Regulation 608-99

[https://armypubs.army.mil/epubs/DR\\_pubs/DR\\_a/pdf/web/r608\\_99.pdf](https://armypubs.army.mil/epubs/DR_pubs/DR_a/pdf/web/r608_99.pdf)

**b)** Amounts (para. 2-6)

**Spouse/children in military housing:** None

**Civilian spouse/children:** BAH-With

**Civilian spouse/children living separately:** Pro rata share of BAH-With

**Military spouse, no children:** None

**Military spouse, split custody of children:** None

**Military spouse with children:** BAH-Diff

**c)** No in-kind payments, with limited exceptions (e.g. rent/mortgage or essential utilities). Para. 2-9.

**d)** Relief. Battalion/Squadron commander may relieve soldier of spousal obligation (not children) if civilian spouse has higher income, is in jail, has committed physical abuse against soldier, or soldier has already paid support per regulation for 18 months. Para. 2-14.

**e)** Examples:

E-5 (Sergeant): \$972

O-3 (Captain): \$1330.20

O-6 (Colonel): \$1892.10

#### **3. Air Force**

**a)** Air Force Instruction 36-2906, Chapter 4  
[https://static.e-publishing.af.mil/production/1/af\\_a1/publication/afi36-2906/afi36-2906.pdf](https://static.e-publishing.af.mil/production/1/af_a1/publication/afi36-2906/afi36-2906.pdf)

**b)** Pay spouse pro rata share of BAH-With without locality adjustment



- c) Squadron commander can relieve obligation to provide spouse only if: Spouse income exceeds member, spouse committed DV against member, spouse in jail, paid 18 mos already

#### 4. Navy

- a) MILPERSMAN 1754-030, Chapter 15, Support of Family Members  
<https://www.public.navy.mil/bupers-npc/reference/milpersman/1000/1700Morale/Documents/1754-030.pdf>
- b) Amounts. Support is fraction of sailor's "gross pay" (defined as base pay + BAH, if entitled, but excludes all other allowances, such as BAS, hostile fire pay, etc)

**Spouse only:** 1/3

**Spouse & 1 minor child:** 1/2

**Spouse & 2 or more children:** 3/5

**1 minor child:** 1/6

**2 minor children:** 1/4

**3 minor children:** 1/3

- c) Relief. Member may request waiver of spousal portion only (not children) on grounds of desertion without cause, physical abuse or adultery.

#### 5. Marine Corps.

- a) MCO P5800.16A, Marine Corps Manual for Legal Administration, Chapter 15  
<https://www.marines.mil/Portals/59/MCO%20P5800.16A%20W%20CH%201-7.pdf>
- b) Amount. Greater of specific dollar amount or a pro rata share of BAH/OHA, up to maximum of 1/3 full gross pay:

**1 family member:** 1/2 BAH/OHA, minimum \$350 each

**2 family members:** 1/3 BAH/OHA, minimum \$286 each

**3 family members:** 1/4 BAH/OHA, minimum \$233 each

**4 family members:** 1/5 BAH/OHA, minimum \$200 each

**5 family members:** 1/6 BAH/OHA, minimum \$174 each

**6 or more family members:** 1/7 BAH/OHA, minimum \$152 each

- c) Relief: Commanding officer may relieve member of obligation where marine cannot determine "whereabouts and welfare of the child concerned", civilian spouse committed documented physical abuse against marine, or is in jail

## 6. Coast Guard

- a) COMDINST M1000.2, Chapter 2E  
[https://media.defense.gov/2018/Oct/31/2002057802/-1/-1/0/CIM\\_1600\\_2.PDF](https://media.defense.gov/2018/Oct/31/2002057802/-1/-1/0/CIM_1600_2.PDF)
- b) Amounts (para 2.E.3.c.)

**Spouse only:** BAH-Diff, plus 20% of base pay

**Spouse & 1 child:** BAH-Diff, plus 25% of base pay

**Spouse & 2 or more children:** BAH-Diff, plus 30% of base pay

**1 child:** 1/6 of base pay

**2 children:** 1/4 of base pay

**3 or more children:** 1/3 of base pay

## 7. Enforcement

- a) Violation of Lawful General Regulation is UCMJ Article 92 offense
- b) No ability to divert money, just disgorge it
- c) Enforcement of civilian orders. E.g. AR 608-99 – must comply with support (para. 2-4a) & custody orders (para. 2-10b)
- d) Contact installation Inspector General or Legal Assistance Office

## B. Garnishment of Military Pay

- 1. **Active Duty.** Send Notice to Withhold Income via certified mail to:

DFAS-GAG/CL  
PO Box 998002  
Cleveland, Ohio 44199-8002  
Fax: (216) 522-6960

- 2. **Retiree.** Utilize DD Form 2293 & certified copy of support order

- a) **Income Subject to Garnishment.** 5 CFR § 581.105. Subtract debt to U.S., taxes, life & health insurance premiums, normal retirement contributions

- b) **Maximum Garnishment Percentages.** 5 CFR § 581.402

50% if providing support to dependents not covered by order

55% if providing support to other dependents, but has arrearage

60% if not providing support to other dependents

65% if no support to other dependents, and has arrearage

### 3. VA Disability

- a) Subject to garnishment for support/maintenance, *to extent of VA waiver*. 42 U.S.C. § 659(h)(1)(A)(v), *Rose v. Rose*, 481 U.S. 619 (1987)
- b) Not simple process – contact VA Regional Office for apportionment application, then send VA Form 21-4138, Statement in Support of Claim, with copy of the current support order and any other pertinent documents

(1) Call (800) 527-1000 to determine appropriate regional office

(2) In Colorado, contact:

VA Regional Office  
155 Van Gordon St.  
Lakewood CO 80228  
Tel. (800) 827-1000  
Fax (303) 914-5879

(Mailing Address)

VA Regional Office  
Box 25126  
Denver CO 80225

- 4. **Re-Garnish Former Spouse Payments?** No. So if retirement recipient has support arrears, must ask court to modify amount of retirement to build in the offset

## XII. POST-9/11 GI BILL

A. Veterans Educational Assistance Act of 2008, codified at 38 U.S.C. § 3301, *et seq.*, introduced Post-9/11 GI Bill as revamp of Montgomery GI Bill

B. **Benefits** (total value \$160K over 4-year period in Colorado Springs)

- 1. **Tuition & Fees (4 years)**, per 38 U.S.C. § 3313(c)(1)(A). Full cost of in-state public school, or up to \$24,477/yr at a private school (rate effective August 1, 2019)
- 2. **Monthly Stipend (36 months)**, equivalent to E-5 BAH-With, per 38 U.S.C. § 3313(c)(1)(B)(i). BAH based upon zip code where the college is located - typically about \$1500 (in Colorado Springs, 2019 rate is \$1605/mo).

- a) Not available to active member or spouse, since family already receiving BAH
  - b) Online/correspondence receive 1/2. 38 U.S.C. §3313(c)(1)(B)(iii)
  - c) Part-time receive prorated share. 38 U.S.C. § 3813(c)(1)(B)
3. **Books & Supplies (4 years)** stipend of \$41.56 per credit hour, up to maximum \$1000/yr for 24 credit hours, per 38 U.S.C. §3313(c)(1)(B)(iv)

**C. Benefits Transferable**

- 1. Spouse. 18 U.S.C. § 3319(c)(1). No automatic revocation upon divorce
- 2. Children under 26. 18 U.S.C. § 3319(c)(2)
- 3. Member may revoke transfer at any time. 18 U.S.C. § 3319(f)(2)

**D. Not Divisible Property at Dissolution**

- 1. “Entitlement transferred under this section may not be treated as marital property, or the asset of a marital estate, subject to division in a divorce or other civil proceeding.” 38 U.S.C. § 3319(f)(3)
- 2. No prohibition on agreeing to transfer

**E. Monthly Stipend Only Counts as Income.**

- 1. *In re: Marriage of Tooker*, 2019 COA 83. Monthly BAH stipend is income for purposes of child support/maintenance, but not tuition reimbursement or book/supply stipend.
- 2. “Because the tuition assistance benefit was not available to Mark for general living expenses and would in no discernable way assist him in paying maintenance or child support, we conclude that the district court properly excluded the tuition assistance benefit as gross income for purposes of calculating maintenance and child support.” ¶ 20.

**XIII. FORMER SPOUSE BENEFITS AFTER DECREE**

- A. Legal Separation.** Treated as married for purposes of ID card, so retain full benefits as if married. See para. 3.2, and table 8.3 of joint regulation, *Identification Cards For Members Of The Uniformed Services, Their Eligible Family Members, And Other Eligible Personnel*, published under Air Force Instruction 36-3036.
- B. Full 20/20/20 Benefits.** Per 10 U.S.C. § 1072(2)(F), former spouse is entitled to all military benefits & installation privileges, including medical, commissary, military exchanges (PX/BX), etc. Criteria:

1. Married at least 20 years,
  2. Member had at least 20 years of creditable service, and
  3. At least 20 years overlap between marriage and military service
- C. Transitional 20/20/15 Benefits.** Per 10 U.S.C. § 1072(2)(G) & (H), former spouse is entitled to military medical care only for 1 year. Criteria:
1. Married at least 20 years,
  2. Member had at least 20 years of creditable service, and
  3. At least 15 years overlap between marriage and military service
- D. Remarriage terminates health,** and suspends all other 20/20/20 benefits
- E. Continued Health Care Benefit Program (CHCBP)**
1. Similar to COBRA for private health insurance programs, Tricare will provide CHCBP to unremarried former spouses
  2. CHCBP not cheap - as of 1/2019, premium cost per quarter is \$1453 (individual) or \$3273 (family)
  3. Must elect CHCBP within 60 days of losing Tricare, using DD Form 2837. 10 U.S.C. § 1078a(d)
  4. Per 10 U.S.C. § 1078a(g)(4), coverage available for 36 mos, except indefinite for former spouse who meets this criteria:
    - a) Did not remarry under the age of 55,
    - b) Was enrolled as a family member in an approved health care benefits program (i.e. Tricare/DEERS) at any time in the 18 months before dissolution or annulment, and
    - c) Is receiving a share of the member's military retirement OR has a court order or written agreement for a share of the retirement or for SBP coverage.

**DEFENSE FINANCE AND ACCOUNTING SERVICE MILITARY LEAVE AND EARNINGS STATEMENT**

ID	NAME (Last, First,MI)	SOC. SEC. NO.	GRADE	PAY DATE	YRS SVC	ETS	BRANCH	ADSN/DSSN	PERIOD COVERED						
			O5	950710	24	888888	ARMY	4809	1-31 DEC 19						
ENTITLEMENTS		DEDUCTIONS			ALLOTMENTS			SUMMARY							
Type	Amount	Type	Amount	Type	Amount	+Amt Fwd									
A	BASE PAY	9521.40	FEDERAL TAXES	1700.83	COMB FED CAMPAIGN	100.00	+TOT ENT				11824.83				
B	BAS	254.39	FICA-SOC SECURITY	590.33	DISCRETIONARY ALT	4002.00	-TOT DED				5168.76				
C	BAH	2049.00	FICA-MEDICARE	138.06	TRICARE DENTAL	30.00	-TOT ALMT				4132.00				
D	REF SOC SECURITY	.04	SGLI	25.00			=NET AMT				2524.07				
E			TRADITIONAL TSP	95.21			-CR FWR				.00				
F			ROTH TSP	95.21			=EOM PAY				2524.07				
G			MID-MONTH-PAY	2524.12			DIEMS		RET PLAN						
H							950625	CHOICE							
I	TOTAL	11824.83		5168.76		4132.00									
LEAVE	BF Bal	Ernd	Used	Cr Bal	ETS Bal	Lv Lost	Lv Paid	Use/Lose	FED TAXES	Wage Period	Wage YTD	M/S	Ex	Add'l Tax	Tax YTD
	48.0	7.5	0	55.5	.0	.0	.0	18.0		9426.19	113114.28	S	00	.00	20409.96
FICA TAXES	Wage Period	Soc Wage YTD	Soc Tax YTD	Med Wage YTD	Med Tax YTD	STATE TAXES	St WA	Wage Period	Wage YTD	M/S	Ex	Tax YTD			
	9521.40	114256.80	7083.92	114256.80	1656.72			.00	.00	M	02	.00			
PAY DATA	BAQ Type	BAQ Depn	VHA Zip	Rent Amt	Share	Stat	JFTR	Depns	2D JFTR	BAS Type	Charity YTD	TPC	PACIDN		
	W/DEP	CHILD	32542	.00	1	R		0			1100.00		PRP1BT03		
TRADITIONAL PLAN (TSP)	Base Pay Rate	Base Pay Current	Spec Pay Rate	Spec Pay Current	Inc Pay Rate	Inc Pay Current	Bonus Pay Rate	Bonus Pay Current							
	1	.00	0	.00	0	.00	0	.00							
ROTH PLAN	Base Pay Rate	Base Pay Current	Spec Pay Rate	Spec Pay Current	Inc Pay Rate	Inc Pay Current	Bonus Pay Rate	Bonus Pay Current							
	1	.00	0	.00	0	.00	0	.00							
CM AGCY CONTR	AGCY-AUTO	AGC-MATCH													
	.00	.00													
CONTRIBUTIONS TOTALS	YTD Deductions	YTD TSP Deferred	YTD TSP Exempt	YTD ROTH	YTD TSP AGCY-AUTO	YTD TSP AGCY-MATCH									
	1713.78	1142.52	.00	571.26	.00	.00									
<b>REMARKS:</b>															
YTD ENTITLE 136276.39			YTD DEDUCT 31188.42												
<p>IF TSP ELECTION AMT EXCEEDS NET AMT DUE, TSP WILL NOT BE DEDUCTED.</p> <p>-GET READY FOR TAX SEASON NOW. GET YOUR 1095 FASTER AND MORE SECURELY BY LOGGING ONTO MYPAY AT <a href="https://mypay.dfas.mil">HTTPS://MYPAY.DFAS.MIL</a> AND SELECTING THE TURN ON/OFF HARD COPY 1095 OPTION TO ELECT ELECTRONIC ONLY.</p> <p>-ACTIVE-DUTY MEMBERS CAN RECEIVE FREE ELECTRONIC CREDIT MONITORING. VISIT</p> <p>EQUIFAX/TRANSUNION/EXPERIAN WEBSITES TO SIGNUP, CREATE ACCOUNT, AND CERTIFY ACTIVE-DUTY STATUS.</p> <p>MEMBER'S SGLI COVERAGE AMOUNT IS \$400,000</p> <p>BAH BASED ON W/DEP, ZIP 32542</p> <p>CORRECT FICA WAGES/DEDTN YTD (352)</p> <p>CORRECT MEDICARE WAGES/DEDTN YTD (352)</p> <p>TOTAL 19 CHARITABLE ALLOT- \$1100.00</p>															

WWW.DFAS.MIL

**MONTHLY BASIC PAY TABLE**  
EFFECTIVE 1 JANUARY 2022

PAY GRADE	YEARS OF SERVICE																					
	<2	2	3	4	6	8	10	12	14	16	18	20	22	24	26	28	30	32	34	36	38	40
<b>COMMISSIONED OFFICERS</b>																						
O-10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	16974.90	16974.90	16974.90	16974.90	16974.90	16974.90	16974.90	16974.90	16974.90	16974.90	16974.90
O-9	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	16444.80	16682.40	16974.90	16974.90	16974.90	16974.90	16974.90	16974.90	16974.90	16974.90	16974.90
O-8	11635.50	12017.10	12270.00	12340.50	12656.10	13183.20	13306.20	13806.60	13950.90	14382.00	15006.30	15581.40	15965.70	15965.70	15965.70	15965.70	16365.60	16365.60	16774.20	16774.20	16774.20	16774.20
O-7	9668.40	10117.50	10325.40	10490.70	10789.80	11085.30	11427.00	11767.50	12109.50	13183.20	14089.80	14089.80	14089.80	14089.80	14162.10	14162.10	14445.60	14445.60	14445.60	14445.60	14445.60	14445.60
O-6	7332.00	8054.70	8583.30	8583.30	8616.30	8985.30	9034.50	9034.50	9547.80	10455.30	10988.10	11520.60	11823.60	12130.80	12725.40	12725.40	12979.50	12979.50	12979.50	12979.50	12979.50	12979.50
O-5	6112.20	6885.30	7361.70	7451.40	7749.30	7926.90	8318.10	8605.80	8976.90	9543.90	9813.90	10080.90	10384.20	10384.20	10384.20	10384.20	10384.20	10384.20	10384.20	10384.20	10384.20	10384.20
O-4	5273.70	6104.40	6512.40	6602.70	6980.70	7386.30	7891.80	8284.50	8557.50	8714.70	8805.30	8805.30	8805.30	8805.30	8805.30	8805.30	8805.30	8805.30	8805.30	8805.30	8805.30	8805.30
O-3	4636.50	5256.00	5672.40	6185.40	6482.10	6807.30	7017.30	7362.90	7543.50	7543.50	7543.50	7543.50	7543.50	7543.50	7543.50	7543.50	7543.50	7543.50	7543.50	7543.50	7543.50	7543.50
O-2	4006.50	4562.70	5255.10	5432.70	5544.30	5544.30	5544.30	5544.30	5544.30	5544.30	5544.30	5544.30	5544.30	5544.30	5544.30	5544.30	5544.30	5544.30	5544.30	5544.30	5544.30	5544.30
O-1	3477.30	3619.50	4375.50	4375.50	4375.50	4375.50	4375.50	4375.50	4375.50	4375.50	4375.50	4375.50	4375.50	4375.50	4375.50	4375.50	4375.50	4375.50	4375.50	4375.50	4375.50	4375.50
<b>COMMISSIONED OFFICERS WITH OVER 4 YEARS ACTIVE DUTY SERVICE AS AN ENLISTED MEMBER OR WARRANT OFFICER</b>																						
O-3E	0.00	0.00	0.00	6185.40	6482.10	6807.30	7017.30	7362.90	7654.80	7822.80	8050.80	8050.80	8050.80	8050.80	8050.80	8050.80	8050.80	8050.80	8050.80	8050.80	8050.80	8050.80
O-2E	0.00	0.00	0.00	5432.70	5544.30	5720.70	6018.60	6249.30	6420.60	6420.60	6420.60	6420.60	6420.60	6420.60	6420.60	6420.60	6420.60	6420.60	6420.60	6420.60	6420.60	6420.60
O-1E	0.00	0.00	0.00	4375.50	4672.20	4845.00	5021.70	5194.80	5432.70	5432.70	5432.70	5432.70	5432.70	5432.70	5432.70	5432.70	5432.70	5432.70	5432.70	5432.70	5432.70	5432.70
<b>WARRANT OFFICERS</b>																						
W-5	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	8520.30	8952.30	9274.50	9630.30	9630.30	10112.70	10112.70	10617.60	10617.60	11149.50	11149.50
W-4	4791.90	5154.30	5302.20	5447.70	5698.50	5946.60	6198.00	6575.40	6906.60	7221.90	7480.20	7731.90	8101.20	8404.80	8751.00	8751.00	8925.60	8925.60	8925.60	8925.60	8925.60	8925.60
W-3	4376.40	4558.20	4745.70	4806.60	5002.20	5388.00	5789.40	5978.70	6197.70	6422.70	6828.30	7101.60	7265.40	7439.10	7676.40	7676.40	7676.40	7676.40	7676.40	7676.40	7676.40	7676.40
W-2	3872.10	4238.40	4350.90	4428.60	4679.40	5069.70	5263.50	5453.70	5686.50	5868.60	6033.30	6230.70	6360.30	6462.90	6462.90	6462.90	6462.90	6462.90	6462.90	6462.90	6462.90	6462.90
W-1	3398.70	3765.00	3863.10	4071.00	4316.40	4678.80	4847.70	5084.70	5317.20	5500.20	5668.50	5873.10	5873.10	5873.10	5873.10	5873.10	5873.10	5873.10	5873.10	5873.10	5873.10	5873.10
<b>ENLISTED MEMBERS</b>																						
E-9	0.00	0.00	0.00	0.00	0.00	0.00	5789.10	5920.50	6085.80	6279.90	6477.00	6790.50	7056.90	7336.20	7764.30	7764.30	8151.90	8151.90	8559.90	8559.90	8988.90	8988.90
E-8	0.00	0.00	0.00	0.00	0.00	4739.10	4948.80	5078.40	5233.80	5402.40	5706.30	5860.50	6122.70	6268.20	6626.10	6626.10	6759.00	6759.00	6759.00	6759.00	6759.00	6759.00
E-7	3294.30	3595.50	3733.50	3915.30	4058.10	4302.60	4440.60	4685.10	4888.50	5027.40	5175.30	5232.60	5424.90	5528.10	5921.10	5921.10	5921.10	5921.10	5921.10	5921.10	5921.10	5921.10
E-6	2849.40	3135.60	3274.20	3408.60	3548.70	3864.30	3987.60	4225.50	4298.40	4351.20	4413.30	4413.30	4413.30	4413.30	4413.30	4413.30	4413.30	4413.30	4413.30	4413.30	4413.30	4413.30
E-5	2610.30	2786.10	2920.80	3058.50	3273.30	3497.70	3682.20	3704.40	3704.40	3704.40	3704.40	3704.40	3704.40	3704.40	3704.40	3704.40	3704.40	3704.40	3704.40	3704.40	3704.40	3704.40
E-4	2393.40	2515.80	2652.00	2786.70	2905.50	2905.50	2905.50	2905.50	2905.50	2905.50	2905.50	2905.50	2905.50	2905.50	2905.50	2905.50	2905.50	2905.50	2905.50	2905.50	2905.50	2905.50
E-3	2160.60	2296.50	2435.70	2435.70	2435.70	2435.70	2435.70	2435.70	2435.70	2435.70	2435.70	2435.70	2435.70	2435.70	2435.70	2435.70	2435.70	2435.70	2435.70	2435.70	2435.70	2435.70
E-2	2054.70	2054.70	2054.70	2054.70	2054.70	2054.70	2054.70	2054.70	2054.70	2054.70	2054.70	2054.70	2054.70	2054.70	2054.70	2054.70	2054.70	2054.70	2054.70	2054.70	2054.70	2054.70
E-1 >4 Mon	1833.30	1833.30	1833.30	1833.30	1833.30	1833.30	1833.30	1833.30	1833.30	1833.30	1833.30	1833.30	1833.30	1833.30	1833.30	1833.30	1833.30	1833.30	1833.30	1833.30	1833.30	1833.30
E-1 <4 Mon	1695.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
C/S Cadet		16974.90	M/S	9355.50																		

NOTE-BASIC PAY FOR O7-O10 IS LIMITED TO LEVEL II OF THE EXECUTIVE SCHEDULE DURING 2022 (\$16,974.90)  
NOTE-BASIC PAY FOR O6 AND BELOW IS LIMITED TO LEVEL V OF THE EXECUTIVE SCHEDULE IN EFFECT DURING 2022 (\$13,775.10)







# BASIC ALLOWANCE FOR HOUSING

## Rate Query Results

**CY:** 2 2

**ZIP CODE:** 8 0 9 0 3

**MILITARY HOUSING AREA:** COLORADO  
SPRINGS CO (CO046)

MONTHLY ALLOWANCE:	
<b>O 4 with DEPENDENTS:</b>	<b>O 4 without DEPENDENTS:</b>
\$ 2475.00	\$ 2172.00
See BAH Frequently Asked Questions for more information. For other BAH concerns, contact your service's BAH POC.	

# RETIREE ACCOUNT STATEMENT

STATEMENT EFFECTIVE DATE Feb 19, 2020	NEW PAY DUE AS OF FEB 28, 2020	SSN ***_*_*_****
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PLEASE REMEMBER TO NOTIFY DFAS IF YOUR ADDRESS CHANGES

## DFAS-CL POINTS OF CONTACT

Defense Finance and Accounting Service  
US Military Retirement Pay  
8899 E 56th Street  
Indianapolis, IN 46249-1200

COMMERCIAL (216) 522-5955  
TOLL FREE 1-800-321-1080  
TOLL FREE FAX 1-800-469-6559

myPay  
<https://myPay.dfas.mil>

## PAY ITEM DESCRIPTION

ITEM	OLD	NEW	ITEM	OLD	NEW
GROSS PAY	.00	11,527.00	FITW	.00	2,087.90
SBP COSTS	.00	455.00	SITW	.00	295.00
TAXABLE INCOME	.00	11,072.00			
			NET PAY		8,689.10

## PAYMENT ADDRESS

DIRECT DEPOSIT

## YEAR TO DATE SUMMARY (FOR INFORMATION ONLY)

TAXABLE INCOME:	11,072.00
FEDERAL INCOME TAX WITHHELD:	2,087.90
STATE TAX WITHHELD FOR COLORADO	295.00

## TAXES

FEDERAL WITHHOLDING STATUS:	SINGLE	STATE CODE:	CO
TOTAL EXEMPTIONS:	00	STATE INCOME TAX WITHHELD:	295.00
FEDERAL INCOME TAX WITHHELD:	2087.90		

## SURVIVOR BENEFIT PLAN (SBP) COVERAGE

SBP COVERAGE TYPE:	FORMER SPOUSE	ANNUITY BASE AMOUNT:	7,000.00
SPOUSE ONLY COST:	455.00		
		SPOUSE DOB:	

THE ANNUITY PAYABLE IS 55% OF YOUR ANNUITY BASE AMOUNT WHICH IS 3,850.00  
YOU HAVE PAID 1 MONTHS TOWARD YOUR 360 MONTHS OF PAID UP RC/SBP COVERAGE. ONCE YOU  
HAVE PAID AT LEAST 360 MONTHS TOWARD YOUR COVERAGE AND TURN AGE 70, YOUR COSTS WILL BE  
TERMINATED BUT YOUR COVERAGE WILL REMAIN ACTIVE.

**CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY**

This Report Contains Information Subject to the Privacy Act of 1974, As Amended.

1. NAME (Last, First, Middle)		2. DEPARTMENT, COMPONENT AND BRANCH AIR FORCE--REGAF		3. SOCIAL SECURITY NUMBER		
4a. GRADE, RATE OR RANK MAJ	b. PAY GRADE O4E	5. DATE OF BIRTH (YYYYMMDD)	6. RESERVE OBLIGATION TERMINATION DATE (YYYYMMDD) N/A			
7a. PLACE OF ENTRY INTO ACTIVE DUTY MAXWELL AFB AL		b. HOME OF RECORD AT TIME OF ENTRY (City and state, or complete address if known)				
8a. LAST DUTY ASSIGNMENT AND MAJOR COMMAND HQ ALLIED AIR CM (EUR)			b. STATION WHERE SEPARATED JBSA RANDOLPH TX			
9. COMMAND TO WHICH TRANSFERRED N/A				10. SGLI COVERAGE <input type="checkbox"/> NONE AMOUNT: \$400,000		
11. PRIMARY SPECIALTY (List number, title and years and months in specialty. List additional specialty numbers and titles involving periods of one or more years.)  15W4, WEATHER, 12 YEARS AND 7 MONTHS; B15W4, SQ OPS/OPS SUPPORT/MAINT OFFICER, WEATHER, 1 YEAR AND 0 MONTHS.		12. RECORD OF SERVICE		YEAR(S)	MONTH(S)	DAY(S)
		a. DATE ENTERED AD THIS PERIOD		2002	SEP	27
		b. SEPARATION DATE THIS PERIOD		2016	APR	27
		c. NET ACTIVE SERVICE THIS PERIOD		13	07	01
		d. TOTAL PRIOR ACTIVE SERVICE		15	00	12
		e. TOTAL PRIOR INACTIVE SERVICE		00	04	24
		f. FOREIGN SERVICE		03	10	14
		g. SEA SERVICE		00	00	00
		h. INITIAL ENTRY TRAINING		2002	SEP	27
i. EFFECTIVE DATE OF PAY GRADE		2012	OCT	01		
13. DECORATIONS, MEDALS, BADGES, CITATIONS AND CAMPAIGN RIBBONS AWARDED OR AUTHORIZED (All periods of service)			14. MILITARY EDUCATION (Course title, number of weeks, and month and year completed)			
15a. COMMISSIONED THROUGH SERVICE ACADEMY						
				YES	X	NO
b. COMMISSIONED THROUGH ROTC SCHOLARSHIP (10 USC Sec. 2107b)						
				YES	X	NO
c. ENLISTED UNDER LOAN REPAYMENT PROGRAM (10 USC Chap. 109) (If yes, years of commitment: _____)						
				YES	X	NO
16. DAYS ACCRUED LEAVE PAID 0		17. MEMBER WAS PROVIDED COMPLETE DENTAL EXAMINATION AND ALL APPROPRIATE DENTAL SERVICES AND TREATMENT WITHIN 90 DAYS PRIOR TO SEPARATION			YES	NO
						X
18. REMARKS						
-----NOTHING FOLLOWS-----						
The information contained herein is subject to computer matching within the Department of Defense or with any other affected Federal or non-Federal agency for verification purposes and to determine eligibility for, and/or continued compliance with, the requirements of a Federal benefit program.						
19a. MAILING ADDRESS AFTER SEPARATION (Include ZIP Code)			b. NEAREST RELATIVE (Name and address - include ZIP Code)			
20. MEMBER REQUESTS COPY 6 BE SENT TO (Specify state/locality) <u>FL</u> OFFICE OF VETERANS AFFAIRS				X	YES	NO
a. MEMBER REQUESTS COPY 3 BE SENT TO THE CENTRAL OFFICE OF THE DEPARTMENT OF VETERANS AFFAIRS (WASHINGTON, DC)				X	YES	NO
21.a. MEMBER SIGNATURE MEMBER NOT AVAILABLE TO SIGN		b. DATE (YYYYMMDD) N/A	22.a. OFFICIAL AUTHORIZED TO SIGN (Typed name, grade, title, signature)		b. DATE (YYYYMMDD) 20160427	
SPECIAL ADDITIONAL INFORMATION (For use by authorized agencies only)						
23. TYPE OF SEPARATION RETIREMENT			24. CHARACTER OF SERVICE (Include upgrades) HONORABLE			
25. SEPARATION AUTHORITY AFI 36-3212		26. SEPARATION CODE SEJ		27. REENTRY CODE N/A		
28. NARRATIVE REASON FOR SEPARATION DISABILITY, PERMANENT (ENHANCED)						
29. DATES OF TIME LOST DURING THIS PERIOD (YYYYMMDD) NONE				30. MEMBER REQUESTS COPY 4 (Initials) N/A		